

THE WOMEN'S ADVOCATE

A CATALYST FOR 2003



Women and the Law Section Newsletter

Spring 2003

Vol. 24, No. 2

2002-2003 WAL OFFICERS AND COUNCIL

CHAIR

Misty M. Ventura
Hughes & Luce
1717 Main St., Suite 2800
Dallas, Texas 75201
Office: 214/939-5462
E-Mail: VENTURM@HughesLuce.com

CHAIR-ELECT

Judy L. Ney
12242 Brookvalley Dr.
Houston, Texas 77071
Office: 713/723-1937
E-Mail: judylneyjd@aol.com

VICE-CHAIR/MEMBERSHIP

Teresa Oxford
U.S. Global Investors, Inc.
4010 Tallulah
San Antonio, Texas 78218
Office: 210/308-1232
E-Mail Work: taoxford@usfunds.com

VICE-CHAIR/NEWSLETTER EDITOR

Cynthia Reppert
Ryan & Co. Dispute Resolution Group
100 Congress Ave., Suite 1900
Austin, Texas 78701
Office: 512/476-2000
E-Mail: cynthia.reppert@ryanco.com

SECRETARY

Hon. Carolyn F. Moore
TWCC Administrative Law Judge
P.O. Box 959
Lubbock, Texas 79408-0959
Office: 806/744-4569
E-Mail: carolyn.moore@twcc.state.tx.us

TREASURER

Lisa R. Hernandez
Easley & Marquis, L.L.C.
5000 Legacy Drive, Suite 400
Plano, Texas 75024
Office: 972/578-9597 x131
E-Mail: lhernandez@easleyandmarquis.com

CHRONOLOGIST

Susan R. McMenamy
Phillips Petroleum Company
300 West Sixth Street
Borger, Texas 79007
Office: 806/275-3708
E-Mail: sumcmenam@sbccglobal.net

IMMEDIATE PAST CHAIR

Hon. Deborah L. Ingraham
SOAH Administrative Law Judge
P.O. Box 13025
Austin, Texas 78711-3025
Office: 512/936-0727
E-mail: Deborah.Ingraham@soah.state.tx.us

EMERITUS VOTING MEMBER

Louise B. Raggio, *Dallas*

COUNCIL TERMS EXPIRING 2004

Ralph H. Brock, *Lubbock*
Avo Stevens Butler, *Sherman*
Sherry Wetsch, *Houston*

COUNCIL TERMS EXPIRING 2003

D'Metria Benson, *Dallas*
Mara Asya Blatt, *El Paso*
Christy Drake-Adams, *Austin*
Ronnie E.G. Harrison, *Houston*
Lisa Smith, *San Antonio*

BOARD ADVISORS

Kim J. Askew, *Dallas*
Linda R. Butter, *Longview*

MESSAGE FROM THE CHAIR

As we pass the halfway mark for this bar year and begin to prepare for yet another busy summer full of activities and obligations, I hear around me the buzz of many who are not contented. As I listen to folks complain of their situation, their status or their possessions I begin to wonder how many of us are happy—happy with our jobs, our relationships, our lives, our choices, and ourselves. As the buzz grows louder and the list of complaints longer, I have to remind myself to stop and count my blessings.

I'm blessed to work in an environment that affords me the opportunity to do fun, challenging work with interesting people at a level of compensation that pays my bills. I'm blessed with a soul mate and good friends that support my efforts, share my adventures, and are willing to both laugh and cry with me when life's joy and sadness come along. I'm blessed with a life; a life that gives me each morning another day to improve my choices and find happiness. The energy used to count all these blessings drowns out the buzz and dims the complaints, making room for me to realize how fortunate I am. With the realization of my good fortune comes the recognition that others may not be so fortunate. This recognition provides an opportunity—an opportunity to do a little each day to make the life of someone less fortunate a little better . . . through sharing a smile or spending time with someone who needs a good listening ear or providing legal aid to benefit the countless poor who desperately need the services of our profession.

I challenge each of you to: (1) count your blessings (if you are one of us who is not contented, I know this challenge will take considerable effort), (2) remind yourself how fortunate you are; (3) recognize the needs of others less fortunate; and (4) seize the opportunity to make a positive difference each day in the life of someone else.

I look forward to seeing each of you at our annual meeting in Houston in June 2003 (Council members from the Houston area are actively planning this event). Between now and then, if there are membership needs that the Section is not meeting, please contact me or one of your other Council members. In order to improve our Section, we must hear from you about what needs are going unmet and how we can best resolve those issues.

— Misty

A TRUE FRIEND

by Carolyn Moore

W. Frank Newton has been a true friend to women law students and to women lawyers. From the time he became Dean of the Law School at Texas Tech University in Lubbock in the fall of 1985, until he left on December 31, 2001, he was constantly encouraging women law students to participate in as many projects as they could. Both before and after he served as the 117th President of the State Bar of Texas, he worked diligently to improve programs of the State Bar so that all lawyers, including women and minorities, would be served.

In 1992, he opened the Law School facility to the Texas Supreme Court's Gender Bias Task Force to conduct its second regional meeting. He invited members of the Task Force to attend an evening reception at his home after the meeting. Despite his mother's death in South Texas just before the reception, he insisted that the reception continue even though he and his family could not be present.

He often hosted receptions in his home for women lawyers and judges who had been honored by Women in Law, a student organization at Tech. At receptions for the Honorable Judy Parker, Associate Judge in Lubbock, and the Honorable Ann McClure of the 8th Court of Appeals in El Paso, he spoke with enthusiasm and warmth about the accomplishments of these two extraordinary jurists who were being recognized by Women in Law. He never hesitated to encourage the student organization to include members of the Lubbock County Women Lawyers' Association on the invitation list to the receptions.

He and Associate Dean Daisy Floyd took turns hosting an annual reception for women law students, women judges and women lawyers in Lubbock. He wanted law students to meet with practicing lawyers so that they could begin to learn about the real practice of law. He understood that legal education could become far removed from the bench and bar if students simply read cases and listened to lectures by professors. He also encouraged women law students to participate in a mentoring program sponsored by the Lubbock County Women Lawyers Association. At Dean Newton's request, Governor Ann Richards spoke at a dinner celebrating the Law School's

twenty-fifth anniversary. Women law students glowed as they listened to one of their own gender talk about their law school and their State.

Because of his efforts, students and faculty at the Tech Law School began to look like the population of Texas as a whole. When Dean Newton came to Tech, the faculty was mainly many males, with only two women, and the student body had significantly more men than women. By the time he left the school, more than one fourth of the faculty was women. At the same time, more and more minority students, including women, began coming to Texas Tech Law School because Dean Newton was able to establish a \$1.5 million-a-year scholarship program.

While continuing to carry out his duties as Dean, Newton was State Bar President from June 1997 through May of 1998. "I run regularly and have a best-friend wife who alternately holds my hand and hits me on the head." 59 Tex. B.J. 354 (April 1996).

The theme of his presidency, exemplified at the State Bar Annual Meeting at Corpus Christi was *An Ocean of Diversity*, which carried out his idea that women and minorities should be included in all aspects of the State Bar. For example, during the Annual Meeting, participants could view videos, made at President Newton's request, documenting the accomplishments of truly outstanding women lawyers, such as Louise Raggio. In addition, participants could view large exhibits of pictures and writings explaining the accomplishments of many women lawyers.

W. Frank Newton is currently serving as Executive Director of the Beaumont Foundation of America in Beaumont. The foundation distributes funds for computers for low-income students all across the country. He served the Tech Law School well and his accomplishments there will continue to benefit women and minority students for many years to come.

[Editor's Note: This article's publication bears no reflection on past or current events.]

LEGISLATIVE UPDATE

WHERE TO WATCH: Texas Legislature Online - <http://www.capitol.state.tx.us/>

Education/Child-Care

HB 355 - Filed by: Dutton

Relating to the right of an employee to take time off from work to meet with certain school personnel that affect the education of the employee's child.

HB 356 - Filed by: Dutton

Relating to the right of an employee to take time off from work to participate in certain school activities of the employee's child.

HB 453 - Author: Villarreal

Relating to a pilot program for early childhood teacher education and retention.

HB 454 - Author: Villarreal

Relating to an evaluation of the system of childcare subsidy programs under the Child Care and Development Block Grant.

HB 455 - Author: Villarreal

Relating to a study regarding certain child-care initiatives.

HB 859 - Author: Madden

This Home Rule Schools bill would allow local school dis-

tricts to legally ignore state education standards, including class size limits, curriculum standards, minimum teacher pay and benefits, and teacher qualifications and certifications.

SB 221 - Author: Shapleigh

Relating to a pilot program for early childhood teacher education and retention.

SB 223 - Author: Shapleigh

Relating to a study regarding certain child-care initiatives.

Family Violence

SB 176 - Author: Nelson/ HB 778 – Naishtat

Amends the Texas Penal Code Section 46.062(d) definition of an emergency to a situation in which a person is in fear of imminent assault, providing family violence victims greater protection when they call for help; would add crime of Interference with an emergency phone call to Code of Criminal Procedure.

SB 93 - Author: West/HB 297 – Author: Goodman

Clarifies that only the issuing court or criminal court assuming jurisdiction over the criminal case may modify a Magistrate's Order of Emergency Protection (MOEP).

Art. 42.12, Texas Code of Criminal Procedure, Section 14 Child Abusers, Sex Offenders and Family Violence Offenders; Special Conditions and Section 85.002, Texas Family Code, Requirements of Order Applying to Person Who Committed Family Violence and Code of Criminal Procedure, Art. 42.141

Increases access to quality Batterer Intervention and Prevention Programs statewide by setting out a specific accreditation method to help judges identify high quality programs.

Reproductive Health Care

HB 1381 - Author: Thompson

Would amend Texas Occupations Code to allow pharmacists to provide Emergency Contraception (EC) in accordance with drug therapy protocols established by the pharmacist and a physician.

HB 945 - Author: King

Would change current parental notification law for an abortion to parental consent and

- 1) require an affidavit of consent and government ID from the parent or legal guardian, instead of the clinic notifying the parent or legal guardian of the minor's decision in person or by phone, or as a last resort, through certified, restricted delivery mail;
- 2) restrict a physician's discretion to perform the procedure without consent in a medical emergency;
- 3) suspend for one year the license of a physician who violated Texas Family Code, Ch.33;
- 4) restrict the location of the judicial bypass hearing to a minor's county of residence;
- 5) increase the evidentiary standard from preponderance of the evidence to clear and convincing;
- 6) substantially increase the standard for showing abuse to the standard in Ch. 261 of the Family Code, which will require expert psychiatric witnesses.

HB 15 - Author: Corte

Omnibus anti-abortion bill requiring informed consent, fetal development descriptions and pictures to be developed by the Texas Department of Health and placed on the agency's website, a 24-hour waiting period, that certain abortions be performed in ambulatory surgical centers, and would change abortion facility licensing statutes to require certain physicians' offices to obtain license from the Texas Department of Health.

MARCH IS WOMEN'S HISTORY MONTH TEXAS TRAILBLAZING WOMEN: ANGIE DEBO

When Angie Debo arrived at Canyon, Texas in 1924, it must have appeared to be a microcosm of the history of tribal land rights, exemplifying conquest rather than acquisition, which her scholarship and legal activism came to represent.

Canyon, Texas lies south of Amarillo and alongside Palo Duro Canyon, for which it was named. In 1874, the Canyon was a battle site during the Red River Wars in which federal troops apprehended thousands of Native Americans before removing them to reservations in Oklahoma. Shortly thereafter, ownership of the canyon transferred to Col. Charles Goodnight, who operated JA Ranch, encompassing more than a million acres and 10,000 head of cattle.

Working as a history teacher, museum curator and librarian in Canyon, Texas, Debo became well acquainted with Native Americans' rights. By that time in her life, she had become well acquainted with gender discrimination, as she sought to make a career for herself in academic life and found that earning a degree in International Relations was more 'sensible' than becoming a historian, which was thought to be too rigorous for the female mind. Ironically, Debo would become a historian, professor, writer, scholar, expert in tribal rights in

America and Alaska, librarian, and literary critic. Her work would be published by the New York Times and considered by federal judges tasked with determining tribal sovereignty and battles for water and land rights across the country. Debo's scholarship on Indian culture and legal rights would become the basis upon which the landmark case *Harjo v. Kleppe* rests. This case is still relied upon, today.

When interviewed in 1980, Debo remarked upon her career: "I am sometimes asked to state my 'goals and ambitions in writing.' I suppose I have only one: to discover truth and publish it. My research is objective, but when I find all the truth on one side, as has sometimes happened in my study of Indian history, I have the same obligation to become involved as any other citizen."

Combining her scholarship on Indian affairs and a concern with civil rights, Debo lobbied Congress on behalf of the Pima & Havasupai Indians in Arizona and worked to secure land rights for Alaskan natives. She continued to write until her death, publishing her last book on Geronimo at age 85. For her many accomplishments, she received many awards. In 1975, Debo was inducted into the National Cowgirl Hall of Fame.

“Angie Debo was inducted within the first ten years of the museum’s opening, and it is an honor to be inducted in that first group,” said National Cowgirl Hall of Fame curator Jennifer Nielsen.

“The focus of the museum is to honor the ‘cowgirl spirit.’ She’s not what you normally might think of as a cowgirl, but

she has a lot in common with Justice Sandra Day O’Connor who was inducted into the Hall of Fame in 2002. They are both women with a great deal of integrity,” Nielsen said.

“Angie Debo is a good example because of her social activism and her attention to native peoples at a time when many people were not attentive. She was ahead of her time.”

WHO WILL WIN?

Attend the Section’s Annual Meeting on June 12, 2003, at 3:00 p.m. in Houston and see who will win the Sarah T. Hughes Award and the Ma’at Justice Award.

In 1992, the State Bar Women and the Law Section established the Sarah T. Hughes Women Lawyers of Achievement Award. The award honors the accomplishments of women who have achieved outstanding recognition in their professional area and who, by doing so, have paved the way for success for other women attorneys. The award criteria honors women attorneys who have achieved excellence their respective fields and have:

- ◆ *Influenced other women to pursue legal careers, or*
- ◆ *Opened doors for women lawyers in a variety of job settings that historically were closed to women, or*
- ◆ *Advanced opportunities for women within a practice area or segment of the profession, or*
- ◆ *Have otherwise served their profession or community in a manner that has benefited the legal profession.*

Past recipients of the award are:

1993 *Louise B. Raggio and Harriet Miers*
1994 *Dean Barbara Aldave*
1995 *Barbara Jordan*
1996 *Frances “Sissy” Farenthold*
1997 *Justice Shirley W. Butts*

1998 *Gaynelle Griffin Jones*
1999 *Evelyn H. Biery*
2000 *Justice Ann McClure*
2001 *Justice Barbara Rosenberg*
2002 *Susan M. Horton*

Ma’at, the Egyptian goddess of justice, symbolizes truth, order, righteousness, and the emergence of order out of chaos. The Women and the Law Section established the Ma’at Justice Award in 1995 to recognize and celebrate individual attorneys or an association of attorneys who have contributed to the furtherance of justice in our society. Every year the Women and the Law Section awards the Ma’at Justice Award to an individual who is actively addressing the needs and issues affecting women both in the legal profession and in the community. Past winners are:

1995 *Jonita Borchardt of Denton*
1996 *Nancye Bethurem of Dallas*
1997 *Ralph H. Brock of Lubbock*
1998 *Ana Mejia-Dietche of Austin*
1999 *Collin A. Petty of Houston*
2000 *Iris Hefter Robinson of Houston*
2001 *Paula W. Hinton of Houston*
2002 *Justice Deborah Hankinson*

A call for nominations by April 15, 2003, appeared in other Bar publications. Contact Kathy Casarez for information at 1-800-204-2222, ext. 1420

WORTHY OF NOTE

By September 1, 2003, the State Bar must have online attorney profiles available to the public that include law school attended, date of graduation, date of licensing, any specialty

certification, primary practice location, and any public disciplinary sanctions within the past 10 years. *See* TEX. GOV’T CODE ANN. § 81.115.

AROUND THE STATE

The **Dallas Women Lawyers Association** will be hosting a delegation of Women from Russia during April.

The **Lubbock County Women Lawyers** honored Barbara “Bobbie” Benson on February 14, 2003 at a special meeting of the association. Bobbie retired from the practice of law in December 2002. Bobbie was licensed to practice law in 1964, having studied for the bar examination with the help of her husband, a lawyer. In 1967, Bobbie applied to and was admitted to Texas Tech’s law school in the entering class. She was the only one in the law school—including all of the professors and the dean—who was licensed to practice law in

Texas. Bobbie was president of the Lubbock County Women Lawyers Association from 1986-87.

The **Bexar County Women’s Bar Association** in San Antonio will sponsor the Girls And Life Sports or “GALS” program, mentoring at-risk teenage girls in the metropolitan area. The GALS program has partnered with the San Antonio Sports Foundation and the program has been provided at select middle schools in the public school system. Last year, the State Bar of Texas honored the GALS program at its annual meeting.

EQUAL PAY DAY

APRIL 15, 2003

Are You Worth Less?

Depending upon which data set is used to calculate the Numbers, U.S. women working full time, year round still earn on average between 75-77.5% of comparably employed men's wages.

WOMEN LOSE \$250,000 IN WAGES OVER THEIR WORKING LIFE AS A RESULT OF UNEQUAL PAY

Equal Pay Day symbolically marks the day when women's wages finally catch up to the amount that men earned by the end of the previous year. On Equal Pay Day, hundreds of organizations around the nation will be hosting events focusing attention on the lingering gender and racial/ethnic wage gap.

The Texas Pay Equity Committee (TPEC) will host a rally and press conference on Equal Pay Day to bring together representatives from various statewide and local organizations concerned with pay equity.

*To participate, contact Penny Anthon Green
Chair, Texas Pay Equity Committee
452-5109*

Become a CLE Speaker!

Since the State Bar of Texas represents all lawyers, it is particularly important for women and minority attorneys to share their perspectives in the Bar's Continuing Legal Education Program. Find out more about becoming a CLE course instructor or course planning committee member below.

CLE Speaker Tips

1. Plan on writing an article which is:
 - a. A full sentence legal commentary (an outline or a transcript of a speech is not acceptable)
 - b. Between 30 and 70 pages single-spaced
 - c. Can be used to alert Texas lawyers to changes in the law and shifting judgments among experts about what is important in that topic area.
2. Select a course in the area in which you practice the most, and/or where you feel that your knowledge of the law is up to date.
3. Select a course that is more than six months in the future. The State Bar holds the planning meetings where speakers are selected an average of six months from the date of the program.
4. If you attend State Bar programs, approach the staff attorney and volunteer in person. They are always on the look out for minority and women speakers.

For more information, including specific course dates, please contact Merianne Gaston, Senior Program Coordinator, at (800) 204-2222, ext. 2042, or visit www.texasbarcle.com.

CLE Course Topics

Administrative Law
ADR / Negotiation
Appellate Practice
Auto Collision
Business Bankruptcy
Business Law
Civil Appellate
Civil Trial
Consumer / Insurance Law / DTPA
Consumer Bankruptcy
Criminal Law
Employment Law
Entertainment Law
Environmental Law
Estate Planning and Probate Law
Evidence and Discovery
Family Law
Guardianship
Intellectual Property Law
International Law (Mexico)
Law Practice Management
Litigation
Maritime and Admiralty Law
Medical Malpractice
Oil, Gas & Mineral Law
Personal Injury Law
Real Estate
Suing and Defending Governmental Entities
Tax Law
Women and the Law



If you're interested...

If you are interested in being a CLE course instructor and/or author, please complete the enclosed "CLE Involvement Interest Form" and return it to the State Bar Office of Minority Affairs along with your resume. Your resume should list your publications and speaking experience. References for your speaking experience or letters of recommendation would also be helpful.

We would also encourage you to serve on a course planning committee. Serving on such a committee is often the first step to becoming a course instructor. The professional development department reimburses planning committee members and speakers for meals, transportation, research, and copying costs.

2003 CLE Involvement Interest Form

Name: _____

Address: _____

Bar Card Number: _____ Gender: _____ Ethnicity: _____

Work Phone: _____ Home Phone: _____ Fax: _____

Employer/Firm: _____

Employer/Firm Address: _____

Area of Law Practice: _____

Number of Years Practicing: _____

Law School: _____

Professional Memberships:

Board Certifications:

Have you ever been a CLE speaker for the State Bar? [Y] [N]

Would you be willing to serve on a CLE program planning committee? [Y] [N]

Briefly describe your area(s) of interest and why you would like to speak.

List the CLE course topic(s) from the previous page, and/or the specific course title (from www.texasbarcle.com), on which you are interested in speaking.

Please return this completed form *and your personal resume* by **June 31, 2003** to:
State Bar of Texas Office of Minority Affairs / P.O. Box 12487 / Austin, TX 78711-2487
Or fax to: (800) 463-1475 / Attention: Kristie Brasfield

STATE BAR OF TEXAS
P.O. Box 12487
Austin, Texas 78711-2487

NON PROFIT ORGANIZATION

U.S. POSTAGE
PAID
PERMIT NO. 1804
AUSTIN, TEXAS